REMARKS

Claims 63-84 are pending in the application. Claims 63-84 have been rejected under 35 U.S.C. §103(a) as being deemed unpatentable in view of Inniss et al. (U.S. Patent No. 5,708,832), Wilson (U.S. Patent No. 6,718,347), Popelka (U.S. Patent No. 6,081,883), Kern (U.S. Patent No. 6,870,537), Nazari (U.S. Patent No. 6,405,201) and Mattis et al. (U.S. Patent No. 6,128,627). Of the Claims, Claims 63, 73 and 83 are independent. The application as amended and argued herein, is believed to overcome the rejections.

Regarding Rejections under 35 U.S.C. § 103(a)

Claims 63-64, 71, 73-74, 81 and 83 are rejected under 35 U.S.C. §103(a) as being unpatentable over Inniss et al. (U.S. Patent No. 5,708,832) in view of Wilson (U.S. Patent No. 6,718,347).

Claims 65 and 75 are rejected under 35 U.S.C. §103(a) as being unpatentable over Inniss et al. (U.S. Patent No. 5,708,832) in view of Wilson, and further in view of Nazari (U.S. Patent No. 6,405,201).

Claims 66-69 and 76-79 are rejected under 35 U.S.C. §103(a) as being unpatentable over Inniss et al. in view of Wilson, and further in view of Popelka et al. (U.S. Patent No. 6,081,883).

Claims 70 and 80 are rejected under 35 U.S.C. §103(a) as being unpatentable over Inniss et al. in view of Wilson, and further in view of Kern et al. (U.S. Patent No. 5,870,537).

Claims 72, 82 and 84 are rejected under 35 U.S.C. §103(a) as being unpatentable over Inniss et al. in view of Wilson, and further in view of Mattis et al. (U.S. Patent No., 6,128,627).

An embodiment of the Applicants' invention is directed to a network storage system that includes a plurality of storage centers and a virtual file system. The virtual files system stores information for a single file system. The client receives a storage resource locator from the virtual file system to access a file in the file system. The client transmits the received resource storage locator to one of the storage centers to download the file over a wide area, public access network. (*See*, for example, Fig. 1.)

Turning to the cited references, Inniss discusses a data processing network in which access to a distributed resource is fully transparent to the user. As shown in Fig. 2, a client communicates directly only with a single server. Other servers export storage space to that server. The server redirects a file request received from the client to one of the other servers based on an access list. A LAN command is translated to a file access system command at a network level such that the client can access files as if they were resident on the client

Wilson discusses a system for maintaining coherence among copies of a database shared by multiple computers with data stored in storage subsystems. (*See* Wilson Fig. 3 and Abstract.)

Nazari discusses a distributed computer system that includes fault tolerant servers.

Popelka discusses a scalable file server that includes a host processor, network processors and file storage processors that communicate over an interconnect bus. Client computers are connected over a network to one or more network processors. File requests received by a network processor from client computers are forwarded for processing over the interconnect bus to file storage processors. (*See* Popelka, Fig. 1.)

Mattis discusses a method for detecting duplicate objects that have the same content but different names. An object key based on the contents of the object is used to index the cache. (*See* Mattis, col. 9, lines 24-28.)

Kern discusses a disaster recovery system that provides remote data shadowing by storing a mirror image (logical or physical) of a primary device on a secondary device. Upon detecting a failure in the primary data storage device, all access is swapped (switched) to the secondary data storage device. (*See* Kern col. 9, lines 14-31 and col. 12, lines 1 -28 and Figs 1 and 5.)

To establish a prima facie case for obviousness under 35 U.S.C. 103(a), (1) there must be some suggestion or motivation to combine reference teachings; (2) there must be a reasonable expectation of success; (3) the references when combined must teach or suggest all the claim limitations. For the reasons discussed below, it is respectfully submitted that the Office has not established a prima facie case under 35 U.S.C. 103(a) for claims 63-84 and that therefore, claims 63-84 are allowable.

The Office fails to identify a suggestion or motivation to combine reference teachings

"The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. In re Mills, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990.)" (*See* MPEP 2143.01 III.)

The Office fails to identify a suggestion or motivation in the prior art for combining Inniss and Wilson. The Office action merely states: "it would have been obvious for one having ordinary skill in the art at the time of the invention to utilize the teachings of Wilson to the system of Inniss in order to provide less expensive implementation of the network system." This merely states an advantage of combining Inniss and Wilson, that is, to provide a less expensive implementation of the network system which is not the same as showing a motivation to combine the references. There must be actual evidence of a suggestion to modify a prior art reference or to combine two prior art references, and the suggestion to combine or modify the prior art must be clear and particular. (See In re Dembiczak, 50 U.S.P.Q.2d 1614, 1617 (Fed. Cir. 1999).)

The references when combined do not teach or suggest all the claim limitations

If none of the references teach a claimed element, as shown by addressing each reference individually, then the combination of the references does not contain the claimed element. Thus, even if the references are combined, all of the claim elements are not shown in the combination of the cited references.

Inniss' discussion of a data processing network does not teach or suggest at least:

> "the client receives a storage resource locator ("SRL") from the VFS to access a file in the single file system ... the client of the network storage system transmits the received SRL to one of the storage centers over the public access network to download the file over the wide area, public access network"

as claimed by the Applicants in claim 63.

Inniss does not teach or suggest that a client "receives a storage locator ("SRL") from the VFS" and then "transmits the received SRL to one of the storage centers". In contrast, Inniss merely discusses that a client issue a single file request to a single server. The single server

redirects the file request for the client so that the client does not need detailed knowledge of the network.

Furthermore, Inniss does not teach or suggest the Applicants' claimed "SRL" which:

"includes a public access network address for a storage center to access one of the storage centers over the wide area, public access network and a unique identifier associated with the contents of the file to uniquely identify a file stored at one of the storage centers."

as claimed by the Applicants in claim 63.

In contrast, in the system discussed by Inniss, files stored in other servers are mounted on the single server so that all files are accessible by the client through the single server. As the client communicates directly only with a single server over a local area network, there is no suggestion of a "public access network address for a storage center to access one of the storage centers over the wide area, public access network to uniquely identify the file stored at one of the storage centers".

The additional references Wilson, Popelka, Nazari and Mattis fail to cure the deficiencies of Inniss noted above. The additional references Wilson, Popelka, Nazari and Mattis fail to disclose or suggest at least "a file identifier associated with the contents of the file" and so fail to disclose the invention as recited in claim 63.

Claims 64-72 are dependent claims that depend directly or indirectly on claim 63 which has already been shown to be non-obvious over the cited art.

Furthermore, Mattis does not teach or suggest:

"a file handler including a digital fingerprint derived from the contents of the file"

as claimed by the Applicants in dependent claim 72.

In contrast, Mattis merely discusses using contents of a file for storing an object in a cache so that only one copy of duplicate objects having different names is stored in the cache. There is no suggestion of "including a digital fingerprint derived from the contents of the file" in a network file system request "to identify the file to the remote storage".

Therefore, separately or in combination, Inniss, Wilson, Popelka, Nazari and Mattis do not teach or suggest the Applicants' claimed invention

Claims 64-72 are dependent claims that depend directly or indirectly on claim 63, which has been shown to be non-obvious over the cited art. Independent claims 73 and 83 recite a like distinction and are thus non-obvious over the cited art. Claims 74-82 depend directly or indirectly on claim 73 and are thus non-obvious over the cited references.

Accordingly, the present invention as now claimed is believed to be patentable over the cited references. Acceptance of claims 63-84 is respectfully requested.

CONCLUSION

Applicants are herewith submitting an IDS. It is respectfully requested that the Examiner consider and make of record in the subject application the information cited in this IDS.

In view of the foregoing, it is submitted that all claims (claims 63-84) are in condition of allowance. The Examiner is respectfully requested to contact the undersigned by telephone if such contact would further the examination of the above-referenced application.

Please charge any shortages and credit any overcharges to Deposit Account Number 02-2666.

Respectfully submitted,

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